

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSIE HATUEY, an individual,

Plaintiff,

vs.

IC SYSTEM, INC. a Minnesota corporation,

Defendant.

Case No.: 1:16-cv-12542 DPW

**DEFENDANT’S REVISED EXPLANATION OF ACCOUNT NOTES
SUBMITTED IN CAMERA**

Pursuant to the Court’s November 27, 2017 order (Dkt. # 54), please find ICS’ explanation of account notes below.

I. THE COMMERCIAL ACCOUNT (O’NEILL, LLC)

Relative to the Commercial Account bates labeled ICS 000001-000014:

- All of the entries dated on and after January 20, 2017 (ICS 000006-000007) are redacted because ICS received service of the complaint on January 20, 2017. As such, all of the activity after service of the complaint is privileged work product information.
- On ICS 000001, Plaintiff’s telephone number ending in 1579 was marked as a wrong number on December 1, 2016. The account placement date with ICS (Entry Date) was on October 5, 2016.
- As a result, all entries dated after December 1, 2016 not pertaining to telephone call attempts to the telephone number ending 1579 were redacted because those entries related to the account holder and/or the post-January 2017 work product information.

- On ICS 000002, under the heading "3rd party" the Account Notes show that there were a total of 6 call attempts and only 2 connections to the telephone number ending 1579. There is also a "0," which indicates that there was no confirmation that the right/intended party answered the phone. This is logical since Plaintiff contends that he was not the intended called party.
- This entry does not disclose why there were no confirmed right party connections, but the call recordings do.
- On ICS 000008 - 000010, the 6 call attempts to the telephone number ending 1579 are shown.
- Since there were only 6 call attempts to the telephone number ending 1579, logically the remainder of the information pertained to the right party and is properly redacted.
- The entry on ICS 000014 is not redacted because it directly pertains to the telephone number ending 1579, and reveals that the telephone number was obtained from ICS's client, or the Original Creditor.

II. **THE INDIVIDUAL ACCOUNT (BRIAN O'NEILL)**

Relative to the consumer account on pages bates labeled ICS 000019 - 000032:

- As an initial matter, all of the entries dated on and after January 20, 2017, post receipt of Plaintiff's attorney information, are redacted because ICS received service of the complaint on January 20, 2017. ICS 000025. As such, all of the activity after service of the complaint is privileged work product information.
- On ICS 000019, the telephone number ending in 1579 was marked as a wrong number on February 5, 2015. The account placement date with ICS (Entry Date) was on February 3, 2015.
- As a result, all entries dated after February 5, 2015 not pertaining to telephone call attempts to the telephone number ending 1579 were redacted because those

entries related to the account holder and/or the post-January 2017 work product information.

- More importantly, since there were no further call attempts to the telephone number ending 1579 on this account after February 5, 2015, any claims based on this account are barred by the statute of limitations.
- On ICS 000021, under the heading "3rd party" the Account Notes show there were 4 attempts and 1 connection to the telephone number ending 1579. The "0" indicates that there were no confirmed right party connections. This is logical since Plaintiff contends that he was not the intended called party.
- This entry does not disclose why there were no confirmed right party connections, but the call recordings do.
- On ICS 000028, the call attempts to the telephone number ending 1579 are shown.
- Since there were only 4 call attempts to the telephone number ending 1579, logically the remainder of the information pertained to the right party and is properly redacted.
- Regarding the source of the telephone number ending 1579, on ICS 000021 under the column "source" the Account Notes reveal that the telephone number was obtained from ICS's client, or the Original Creditor.

In light of the foregoing, the Account Notes as produced disclose all of the relevant information as it relates to the claims and defenses asserted in the operative pleadings.


DATED: December 1, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 1, 2017 a copy of the foregoing document was served electronically via the Court's efilings (ECF) system:

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A handwritten signature in blue ink, appearing to read "Craig Thor Kimmel", written over a horizontal line.